

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PARTNER REINSURANCE COMPANY LTD.,

Plaintiff,

-v-

RPM MORTGAGE, INC., LENDUS, LLC,  
ERWIN ROBERT HIRT, TRACEY HIRT, and  
THE ROBERT HIRT AND TRACEY NAJARIAN  
HIRT REVOCABLE LIVING TRUST,

Defendants.

LENDUS, LLC,

Counterclaim Plaintiff,

-v-

PARTNER REINSURANCE COMPANY LTD.,

Counterclaim Defendant.

18 Civ. 5831 (PAE)

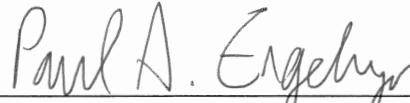
ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received the parties' letters proposing that most witnesses provide live direct testimony at the bench trial in this case. Dkts. 159–60. Having reviewed those submissions, and given the nature of the disputes to be tried, the Court's judgment is that it will benefit from the receipt of direct testimony from all witnesses, except for two third-party witnesses—Mary Jo Hudson and Tim Dwyer—by affidavit. For the two third-party witnesses—Larry Hamilton and Tracy Snow—for whom defendants anticipate providing direct testimony via video deposition designations, the Court authorizes such testimony, so long as plaintiff does not object. All witnesses must be available for cross-examination at trial.

In accord with the Court's Individual Rule 5.C, all such affidavits shall be filed at the time the parties submit their joint proposed pretrial order, currently October 28, 2021.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", written in black ink.

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PAUL A. ENGELMAYER  
United States District Judge

Dated: July 21, 2021  
New York, New York